



U.S. Citizenship and Immigration Services

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Consideration of Deferred Action for Childhood Arrivals (DACA)

ALERT: Court decisions regarding DACA.

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On Sept. 13, 2023, the U.S. District Court for the Southern District of Texas issued a decision finding the [DACA Final Rule](#) unlawful and expanding the original July 16, 2021 injunction and order of vacatur to cover the Final Rule. However, the court maintained a partial stay of the order for “all DACA recipients who received their initial DACA status prior to July 16, 2021.” See the [Memorandum and Order \(PDF, 1.35 MB\)](#) and [Supplemental Order of Injunction \(PDF, 72.53 KB\)](#).

Accordingly, current grants of DACA and related Employment Authorization Documents (EADs) remain valid until they expire, unless individually terminated. In accordance with this decision, USCIS will continue to accept and process DACA renewal requests and accompanying applications for employment authorization under the DACA regulations at 8 CFR 236.22 and 236.23, as it has since October 31, 2022. We will also continue to accept initial DACA requests, but in accordance with the District Court’s order, we will not process initial DACA requests.

Current valid grants of DACA and related EADs will continue to be recognized as valid under the Final Rule. This means that individuals with DACA and related EADs do not have to submit a request for DACA or employment authorization until the appropriate time to seek renewal.

Please see the [DACA Litigation Information Page](#) for important updates and information related to court rulings on the DACA policy.

This page provides information on requesting Consideration of Deferred Action for Childhood Arrivals (DACA). You may request DACA for the first time or renew your existing period of DACA if it is expiring. **Please note:** While a July 16, 2021, [injunction \(PDF, 401.59 KB\)](#) from the U.S. District Court for the Southern District of Texas, which was affirmed by the U.S. Court of Appeals for the Fifth Circuit, and on Oct. 14, 2022 was extended by the district court to the DACA final rule, remains in effect, DHS is prohibited from granting initial DACA requests and related employment authorization under the final rule.

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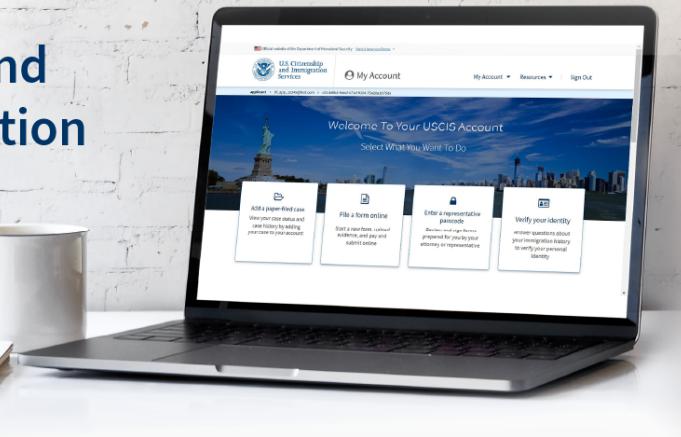
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Guidelines

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